



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation
P.O. Box 439, Trenton, NJ 08625-0439
Fax # (609) 292-8115
www.state.nj.us/dep/landuse

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

SEP 22 2008

Mr. Gary Wroblewski, P.E.
Arcadis US, Inc.
8 South River Road
Cranbury, NJ 08512

Re: Letter of Interpretation - Line Verification
File No.: 1201-03-0003.1 FWW 080001
Applicant: Carteret Development, LLC
Blocks 10; 11.01
Lots 8, 9, 10, 12 through 21; 10 through 14
Carteret, Middlesex County

Dear Mr. Wroblewski:

This letter is in response to your request for a Letter of Interpretation to verify the jurisdictional boundaries of the freshwater wetlands and State open waters on the referenced property pursuant to the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (Department), the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, it has been determined that the Department's Division of Land Use Regulation (Division) is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted and a site inspection conducted on June 24, 2008, the Division has verified that the wetland and water boundary lines are accurate as shown on the plan prepared by Arcadis US, Inc. entitled "CYTEC INDUSTRIES INC., CARTERET, NEW JERSEY, WATERS/WETLANDS DELINEATION REPORT, WETLANDS MAP" dated July 2008, and signed on July 9, 2008.

Any activities regulated under the Freshwater Wetlands Protection Act proposed within the wetlands or transition areas or the deposition of any fill material into any water area, will require a permit from this office unless exempted under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B -1 (et seq.), and implementing rules, N.J.A.C. 7:7A. A copy of this plan, together with the information upon which this boundary determination is based, has been made part of the Division's public records.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq.), you are entitled to rely upon this jurisdictional determination for a period of **five years** from the date of this letter.

The freshwater wetland and State open water boundary lines, as determined in this letter, must be shown on any future site development plans. The lines should be labeled with the above file number and the following note:

"Freshwater Wetland and State Open Water Boundary Lines as verified by NJDEP
File No. 1201-03-0003.1 FWW 080001"

The Department has determined that the wetlands delineated by flags A1 through A102, B1 through B10 and C11 through C18 are of **exceptional** resource value. The standard transition area or buffer adjacent to exceptional resource value wetlands is **150 feet**. All other onsite wetlands are of **intermediate** resource value. The standard transition area or buffer adjacent to intermediate resource value wetlands is **50 feet**.

It should be noted that the areas within impoundments 1 through 6 are **not** State open waters pursuant to the definition found at N.J.A.C. 7:7A-1.4. Other State open waters are present onsite as depicted on the referenced plan. Under the Freshwater Wetlands Protection Act Rules, there are no standard transition areas required adjacent to State open waters. However, a riparian zone is required in accordance with the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13 (et seq.).

The wetland resource value classifications may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the wetlands portion of this property (see N.J.A.C. 7:7A-5) and the modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

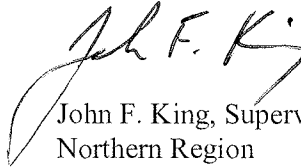
It should be noted that this determination of wetland classification is based on the best information presently available to the Department. The classification is subject to change if this information is no longer accurate, or as additional information is made available to the Department, including, but not limited to, information supplied by the applicant. Under NJSA 13:9B-7(a)(2), if the Department has classified a wetland as exceptional resource value based upon a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division of Land Use Regulation, P.O. Box 439, Trenton, New Jersey 08625.

This letter in no way legalizes any fill that may have been placed, or other regulated activities that may have occurred on-site. Also, this determination does not affect your responsibility to obtain any local, State, or Federal permits that may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at www.state.nj.us/dep.

Please contact Linda Fisher of our staff at (609) 777-0454 or linda.fisher@dep.state.nj.us should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,

A handwritten signature in black ink, appearing to read "J. F. King". The signature is stylized with a large, sweeping initial "J" and a distinct "K".

John F. King, Supervising Environmental Specialist
Northern Region
Bureau of Urban Growth and Redevelopment

c: Carteret Construction Official
Applicant, Carteret Development